

SBA 555

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

FILED

MAY 31 2007

Name HENDERSON CURTIS LEE SR.
(Last) (First) (Initial)Prisoner Number H-43488Institutional Address PO. BOX 7500, CRESCENT CITY
CALIFORNIA 95531RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SBA (PR)

CURTIS LEE HENDERSON SR.

(Enter the full name of plaintiff in this action.)

vs.

CALIFORNIA DEPARTMENT OF
CORRECTION AND REHABILITATION
PELICAN BAY STATE PRISON et al.

(Enter the full name of the defendant(s) in this action.)

Case No.

(To be provided by the clerk of court)

COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement PELICAN BAY STATE PRISON

B. Is there a grievance procedure in this institution?

YES (X) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (X) NO ()

D. If your answer is YES, list the appeal number and the date and result of the

07-2838 SBA

each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal THE APPEAL WAS FILED ON 8/20/06
AND BYPASSED AT THE INFORMAL LEVEL.

2. First formal level THE FIRST FORMAL LEVEL WAS BYPASSED.

3. Second formal level THE SECOND LEVEL WAS DENIED AND
RETURNED TO HENDERSON ON 10/23/06

4. Third formal level THIS LEVEL EXHAUSTS ALL ADMINISTRATIVE
REMEDIES ON 1/29/07 LOG NO PBSP 06-02079
IAB CASE NO.: 0605202

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (X) NO ()

F. If you did not present your claim for review through the grievance procedure, explain

why. <u>N/A</u>	<u>//</u>	<u>//</u>
<u>//</u>	<u>//</u>	<u>//</u>
<u>//</u>	<u>//</u>	<u>//</u>

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

CURTIS LEE HENDERSON SR CDCR# H-43488

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

THE CALIFORNIA DEPARTMENT OF CORRECTION AND REHABILITATIONS
IS BEING SUED IN ITS OFFICIAL CAPACITY AND LIABLE FOR THE,

WRONGFUL ACTS OF ITS AGENTS.

J. PETERSON, is a CORRECTIONAL OFFICER AT PELICAN BAY STATE PRISON HEREAFTER (PBSP) HIS BADGE NO* IS 59276 HIS OFFICIAL POST ASSIGNMENT WAS*271630. AND POSITION WAS B5 FLOOR OFFICER*2. AND BEING SUED IN HIS OFFICIAL CAPACITY.

C. SPEAKER, is a CORRECTIONAL OFFICER AT PBSP HIS BADGE NO* IS 47595. HIS OFFICIAL POST ASSIGNMENT WAS*371605 AND POSITION WAS B5 FLOOR OFFICER*2. AND IS SUED IN HIS OFFICIAL CAPACITY.

J.T. PATCH, is a MEDICAL TECHNICAL ASSISTANT AT PBSP HIS BADGE NO* IS 68730 HIS OFFICIAL POST ASSIGNMENT WAS*374025. AND HIS POSITION WAS FACILITY B MEDICAL CLINIC AND IS SUED IN HIS OFFICIAL CAPACITY.

M.D. BULLOCK, is a CORRECTIONAL OFFICER AT PBSP HIS BADGE NO* IS 66514. HIS OFFICIAL POST ASSIGNMENT WAS*371598. AND HIS POSITION WAS B4 FLOOR OFFICER*2 AND IS SUED IN HIS OFFICIAL CAPACITY.

S.L. THOMPSON, is a CORRECTIONAL SERGEANT AT PBSP HIS BADGE NO* IS 49523. HIS OFFICIAL POST ASSIGNMENT WAS*370376. AND HIS POSITION WAS B FACILITY PROGRAM SERGEANT AND IS SUED IN HIS OFFICIAL CAPACITY.

J. MCBRIDE, is a CORRECTIONAL OFFICER AT PBSP HIS BADGE NO* IS 44198. HIS OFFICIAL POST ASSIGNMENT WAS*221006. AND HIS POSITION WAS SECURITY SQUAD OFFICER*6. AND IS SUED IN HIS OFFICIAL CAPACITY.

D.A. CHRIST, is a CORRECTIONAL LIEUTENANT. HIS BADGE NO* IS 35940. HIS OFFICIAL POST* WAS*370162 AND HIS POSITION WAS FACILITY LIEUTENANT B YARD. AND IS SUED IN HIS OFFICIAL CAPACITY.

G. KELLY is a CORRECTIONAL CAPTAIN AT PBSP HIS POST ASSIGNMENT IS UNKNOWN AT THIS TIME. HIS POSITION WAS B FACILITY CAPTAIN. AND IS SUED IN HIS OFFICIAL CAPACITY.

STATEMENT OF CLAIMS

1). ON AUGUST 16, 2006 THE DEFENDANTS J. PETERSON AND C. SPEAKER ATTEMPTED TO PLACE ME IN A DOUBLE CELL SETTING WITH ANOTHER INMATE WHOM IS UNKNOWN TO ME AT THIS TIME. WHEN I REFUSED THE DEFENDANTS PLACED ME IN HAND CUFFS AND PUT ME IN A CAGE, APPROXIMATELY 2 1/2 FEET WIDE, 2 1/2 FEET LONG AND 7 FEET HIGH WHERE I STAYED FROM 3 P.M. TO, ABOUT 6 OR 7 P.M. THE EXACT TIME IS UNKNOWN TO ME AT THIS TIME. THE DEFENDANTS THEN CAME TO PLACE ME IN ANOTHER CELL. I INFORMED DEFENDANT S.L. THOMPSON THAT I HAD SAFETY CONCERNS AND SHOWED HIM AND DEFENDANT PETERSON DOCUMENTATION THAT SHOW I HAD ENEMIES ON THE YARD AND FEARED FOR MY SAFETY AND THAT IS WHY I CHOOSE TO REMAIN ON SINGLE CELL STATUS. THE DEFENDANTS THEN PLACED ME IN CELL B5-

112 WHERE AN INMATE UNKNOWN TO ME BY NAME WHO'S "AKA" IS HARRY "O" WAS ASSIGNED. THIS INMATE TURNED OUT TO BE AN ACTIVE MEMBER OF THE BLOOD'S STREET GANG. CDCR HAS ME AS A MEMBER OF THE CRIP'S (WHICH I DENY) ALTHOUGH THE LISTING AS A CRIP AND PLACING ME IN THE CELL WITH A BLOOD PUT MY LIFE IN IMMEDIATE DANGER AND VIOLATED MY SAFETY AND SECURITY. THE BLOOD INMATE WAS TELLING ME THAT THE C/O'S WAS TRYING TO SET ONE OF US UP. IT WAS AT THIS TIME I BEGAN TO HAVE CHEST PAINS. I NOTIFIED C/O SPEAKER WHO CAME TO THE CELL I TOLD HIM THAT I WAS HAVING CHEST PAINS. AND I NEEDED TO SEE THE MEDICAL TECHNICAL ASSISTANT (MTA). I ALSO INFORMED HIM THAT I NEEDED TO BE MOVED RIGHT AWAY.

2) THE DEFENDANTS PETERSON, AND SPEAKER, BOTH ESCORTED ME TO THE RETUNDA. PETERSON TOLD ME THAT "I NEEDED TO QUIT FUCKEN PLAYING GAMES" DEFENDANT SPEAKER INSTRUCTED ME TO RAISE MY ARM'S OUT TO THE SIDE AND TO SPREAD MY LEG'S SO HE CAN SEARCH ME,

I COMPLIED C. SPEAKER, THEN REMOVED FROM MY POCKET MY ADDRESS BOOKLET ALONG WITH SOME PAPER NAPKINS. HE THEN THREW THESE ITEMS ON THE FLOOR AT MY FEET. (I DIDNT THINK ANYTHING OF THIS ACTION, BECAUSE INMATES ARE ALLOWED TO RETRIEVE THERE ITEMS AFTER A SEARCH AND REPOCKET THEM) WHEN I SAT DOWN THE DEFENDANT J. PETERSON, THEN KICKED MY ADDRESS BOOKLET ACROSS THE FLOOR INTO THE OFFICE DOORWAY AND SAID "YOUR NOT GOING TO GET THAT" I ASKED HIM "WHY" HE SAID "IF YOU WANT TO PLAY GAMES I CAN PLAY TOO" I TOLD HIM THAT THERE ARE VERY IMPORTANT ADDRESSES AND PHONE NUMBERS OF FAMILY. HE THEN BECAME VERY HOSTILE. I WAS SITTING IN A CHAIR AT THIS TIME. AND HE CAME AND STOOD RIGHT IN FRONT OF ME AND YELL'D "FUCK THAT I THOUGHT YOU WAS HAVING CHEST PAINS" AND I YELL'D BACK "WHY ARE YOU TREATING ME THIS WAY?" THE DEFENDANT THUS DEPRIVED ME OF MY ADDRESS BOOK WITHOUT DUE PROCESS OF LAW.

3). I THEN GOT UP OUT OF THE CHAIR WALKED AROUND C. SPEAKER AND BENT OVER TO PICK UP MY ADDRESS BOOKLET C. SPEAKER GRABBED MY LEFT ARM. J. PETERSON, PULLED OUT HIS BATON AND WITH BOTH HANDS DROVE IT INTO MY BACK AS I WAS BENT OVER AND C. SPEAKER HELD ON TO MY LEFT ARM WITH HIS LEFT HAND C. SPEAKER THEN PULLED HIS BATON AND HIT ME AT THE BASS OF MY SKULL MY NECK AND SHOULDER BLADE J. PETERSON, HAD STARTED HITING ME ON MY THIGHS. I WAS PLEADING FOR THEM TO STOP I SAID "ALRIGHT ALRIGHT" "STOP STOP" BUT THEY CONTINUED TO ASSUALT ME. I MANAGED TO GET FREE OF C. SPEAKER'S HOLD ON MY ARM I THEN STEPPED AS FAR AS I COULD FROM THE TWO DEFENDANTS TO PREVENT FROM BEING BEATTEN ANY WORSE J. PETERSON, THEN PULLED HIS O.C. PEPPER SPRAY AND SPRAYED A LONG BURST OF ABOUT 7 TO 9 SECONDS I THEN LAID DOWN ON THE GROUND IN HOPES THAT THEY WOULD STOP THERE ABSULTIVE BEHAVIOR,

DEFENDANT J. PETERSON JUMPED DOWN ON MY BACK WITH ALL OF HIS BODY WEIGHT AND DEFENDANT C. SPEAKER DID THE SAME TO MY LEGS THEY PLACED THE HANDCUFFS ON WRONG AND SO TIGHT THAT I LOST CIRCULATION IN MY LEFT ARM AND THE HAND CUFFS CUT DEEP INTO MY SKIN. AT NO TIME DID I HIT KICK SWING OR PUNCH THESE DEFENDANTS. THE ONLY TIME I ATTEMPTED TO DEFEND MYSELF WAS WHEN I PUT MY HAND IN FRONT OF MY FACE TO PREVENT FROM BEING SPRAYED AND AT THAT TIME I WAS AT LEAST 5 TO 7 FEET AWAY FROM THESE DEFENDANT. C. SPEAKER THEN TOLD DEFENDANT BULLOCK TO HOLD ME DOWN WHILE HE WENT TO WASH OF SOME O.C. SPRAY THAT GOT ON HIM. THESE DEFENDANTS VIOLATED MY 8TH & 14TH AMENDMENT BY INFLECTING CORPORAL PUNISHMENT & UNNECESSARY FORCE.

4). THE DEFENDANT BULLOCK THEN JUMPED DOWN ON MY BACK GRABBING MY HEAD WRENCHING IT TO THE LEFT SLAMMING THE RIGHT SIDE OF MY FACE TO THE CONCRETE FLOOR AND THEN PUNCHED ME IN THE LEFT SIDE OF MY JAW AND PLACED AN ENORMOUS AMOUNT OF PRESSURE ON MY HEAD. THIS DEFENDANT INFLECTED CORPORAL PUNISHMENT. AND UNNECESSARY FORCE I COULD NOT EVEN DEFEND MYSELF IF I WANTED TO I WAS IN HANDCUFFS APPLIED IN A WAY THAT STOPED MY BLOOD FLOW AND MENT FOR NOTHING BUT PUNISHMENT. AND I WAS ALSO IN LEG IRONS.

5). I THEN LOOKED AND SEEN THE DEFENDANT LIEUTENANT D.A. CHRIST AND ASKED HIM TO TAKE CHARGE OF THE SITUATION HE LOOKED RIGHT AT ME WE MADE EYE CONTACT AND HE WALKED RIGHT OUT THE DOOR AND ALLOWED THEM TO CONTINUE. EVERY EMPLOYEE, REGARDLESS OF HIS OR HER ASSIGNE-
MENT, IS RESPONSIBLE FOR THE SAFE CUSTODY OF THE INMATES CONFINED IN THE INSTITUTION OF THE DEPARTMENT. CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 15.33271 THIS DEFENDANT VIOLATED MY EQUAL PROTECTION RIGHTS. BY HIS FAILURE TO STOP THESE DEFENDANTS.

6). I THEN LOOKED AND SEEN WHOM I BELIEVED AT THAT TIME WAS "LIEDTENANT MCKINNEY". NOW I KNOW THAT THAT PERSON WAS CAPTAIN G. KELLY. AND I ASKED HIM TO TAKE CONTROLE OF THE SITUATION, AND EVENTHOUGH I MISTAKENLY CALLED HIM LIEDTENANT MCKINNEY, HE KNEW I WAS TALKING TO HIM HE LOOKED RIGHT AT ME AND THEN LOOKED AROUND DOMBFOUNDEDLY AND WALKED RIGHT OUT THE DOOR FOLLOWING LIEUTENANT CHRIST. AGAIN, EVERY EMPLOYEE, REGARDLESS OF HIS OR HER ASSIGNEMENT, IS RESPONSIBLE FOR THE SAFE CUSTODY OF THE INMATES CONFINED IN THE INSTITUTION OF THE DEPARTMENT CCR TITLE 1583271. THIS DEFENDANT VIOLATED MY EQUAL PROTECTION RIGHT. BY HIS FAILURE TO STOP THESE DEFENDANTS.

7). THEN I SEEN J. MCBRIDE AND SAID TO HIM THAT HE KNOWS THAT I SHOULD NOT BE TREATED THIS WAY HE LOOKED AT ME LIKE HE DIDNT EVEN KNOW WHO I WAS. AND IN SPITE OF THE FACT THAT WE'VE KNOWN EACH OTHER FOR YEARS. HE DID NOTHING TO PROTECT ME. AND AGAIN EVERY EMPLOYEE, REGARDLESS OF HIS OR HER ASSIGNEMENT, IS RESPONSIBLE FOR THE SAFE CUSTODY OF THE INMATES CONFINED IN THE INSTITUTION OF THE DEPARTMENT. CCR TITLE 1583271 THIS DEFENDANT VIOLATED MY EQUAL PROTECTION RIGHTS BY HIS FAILURE TO STOP THESE DEFENDANTS

8) I THEN HEARED LAUGHTER AND NOTICE TWO FEMALE MEDICAL TECHNICAL ASSISTANTS LAUGHING AT ME. WHEN I REALIZED NO-ONE WOULD STOP THE ASSUALT ON ME I PLEADED WITH THEM "JUST DONT KILL ME I SAID" BECAUSE I WAS SO SCARED THAT I BELIEVED THAT THAT'S WHAT THEY WERE TRYING TO DO.

9). THE DEFENDANT BULLOCK, THEN PULLED ME UP TO MY FEET BY THE HANDCUFF AND FORCEFULLY RUSHED ME OUT TO THE MINI YARD AND FORCED ME UNDER A SHOWER WITH FREEZING COLD WATER THEN HE AND ANOTHER OFFICER RUSHED ME ACROSS THE YARD TO THE PROGRAM OFFICE I COULDN'T WALK AT THIS TIME, BECAUSE THEY REMOVED THE BRACE FROM MY RIGHT ANKLE AND MY RIGHT SHOE WAS MISSING THE LEG IRONS WERE ON SO TIGHT THAT THEY CUT INTO MY TENDON OF MY LEFT ANKLE. SO I WAS HALF DRAGED HALF LIMPED ALL THE WAY TO THE PROGRAMME OFFICE ABOUT 320-400 FEET. I WAS PLACED IN THE SAME CAGE AS MENTIONED IN (1).

10). WHEN I ARRIVED, THERE WERE TWO OTHER INMATES IN OTHER CAGES WHOM ARE UNKNOWN TO ME AT THIS TIME (BUT CAN BE NAMED THROUGH DISCOVERY) WHEN THE DEFENDANTS PLACED ME IN THE CAGE I ASKED FOR THE MTA AND TOLD THEM I COULDN'T FEEL MY ARM'S THESE DEFENDANTS JUST WALKED OUT. DENYING ME MEDICAL ATTENTION, THE TWO INMATES BEGAIN YELLING AND BANGING ON THE CAGES TO GET THE MTA TO SEE ME. AND MY HANDCUFFS OFF.

11). THE DEFENDANTS CAME BACK AND TOOK ME TO ANOTHER PART OF THE INSTITUTION ONCE AGAIN I WAS ~~ON THE~~ WAS HALF DRAGED HALF LIMPED FROM ~~B~~ YARD TO A YARD.

12) J.T. PATCH THE MTA FALSIFIED THE MEDICAL REPORT STATING THAT I HAD NO INJURIES. THIS WAS DONE TO COVER UP THE ASSAULT ON ME. HE VIOLATED MY RIGHTS TO MEDICAL TREATMENT AND FALSIFICATION OF AN OFFICIAL MEDICAL REPORT TO JUSTIFY NOT GIVING ME MEDICAL TREATMENT IS A VIOLATION OF PENAL CODE § 134. HE KNEW I HAD SERIOUS INJURIES HE WAS STANDING THERE WATAHING AS I WAS BEATTEN! BUT KEEP THAT FROM THE REPORT SO THE OFFICERS WOULD EXCAPE LIABILITY.


13) UPON BEING HALF DRAGED TO A YARD THE DEFENDANT BULLOCK CONTINUED TO THREATEN ME HE TOLD ME IF I LOOKED AT HIM "HE WOULD TAKE ME DOWN TO THE GROUND" I WAS SHAKING AND SNEEZING FROM THE COLD HE TOLD ME IF I DIDNT STOP "HE WOULD TAKE ME DOWN TO THE GROUND AND ASSURED ME I WOULDN'T LIKE IT".

14) WHEN I ARRIVED A.TAYLOR PSYCH-TECH GAVE ME 4 ASPRINS AND DOWN PLAYED MY INJURIES BY STATING THAT I HAVE TWO SMALL ABRASION ON MY BACK.

15) THAT NIGHT I ATTEMPTED TO NOTIFY THE DEL NORT COUNTY SUPERIOR COURT BY SENDING THEM A LETTER IN FACT I COULDN'T USE MY HAND WELL AND I SIMPLY WROTE ON A PEACE OF PAPER "THEY TRYING TO KILL ME" I WAS TRYING TO ESTABLISH THAT IF I DID IN FACT DIE THAT IT WAS NO ACCIDENT NOR FAULT OF MY OWN. I GAVE THE LETTER TO C/O CUSIAC SEALD AND SIGNED BY HIM.

16) ON 8-17-06, MTA GAROSE ~~W~~ KNOWN TO ME AS VICK, WAS MAKING HIS MORNING ^{ROUNDS} HE SEEN ME, AND THAT BAD SHAPE I WAS IN AND ORDERED THAT I BE BROUGHT OUT FOR FULL EVALUATION HE COMPLETED A 7219 MEDICAL REPORT THAT IS NOW MISSING. HE PLACED ME ON THE EMERGENCY DOCTORS LINE, CLEANED AND BANDAGED MY WOUND HE ALSO HAD ME TO WRIT A COMPLETE SYNOPSIS OF HOW I GOT MY INJURIES IT TOOK A WHILE TO WRITE IT BECAUSE OF THE NERVE DAMAGE IN MY HANDS. BECAUSE OF THE SERIOUSNESS OF MY INJURIES A VIDIO WAS MADE AND AN INVESTIGATION INTO STAFF UNNECESSARY USE OF FORCE WAS ORDERED.

17) ON 8-17-06 DEFENDANT D.A. CHRIST CONDUCTED THE INVESTIGATION, I OBJECTED ON THE GROUNDS THAT HE WAS INVOLVED IN THE ISSUE BEING INVESTIGATED AND WAS THEREFORE DISQUALIFIED HOWEVER HE DID SO ANYWAY TO COVER UP THIS POLICE MISCONDUCT. AND FOUND IN FAVOR OF HIMSELF AND HIS CODEFENDANT'S.

18). ON 8-18-06, I WAS SEEN BY DOCTOR JAIN M.D. I WAS PLACED ON DRESSING CHANG FOR THE WOUNDS I SUSTAINED ON MY BACK AND LEFT WRIST. X-RAYS REVIELED A DAMAGED BONE IN MY RIGHT HAND. AND I HAVE NERVE DAMAGE SO EXTENSIVE THE DOCTOR ORDERED THAT TO PAIR OF HAND-CUFFS BE USED WHEN I AM HANDCUFFED IN THIS FASHION; ILLUSTRATION: "  " I AM ALSO REQUIRED TO WERE WRIST SPLINTS.

19). ON 8-22-06 DEFENDANT C. SPEAKER CAME TO MY CELL A2-128 TO HARASS ME CALLING ME A DRUG ADDICT SAYING I MUST OF SMOKED CRACK WHEN I WAS YOUNG. BUT I NEVER USED CRACK IN MY LIFE.

20). ON 8-23-07 I REQUESTED A CDC 119 QUERY WHICH IS A COMPUTER TRACKING OF AN INDIVIDUAL INMATES OUTGOING, AND INCOMING, LEGAL MAIL. IT SHOWED THAT THE LEGAL MAIL I SENT TO THE DEL NORTE SUPERIOR COURT BY GIVING IT TO C/O CUSIAC NEVER WENT OUT TO THE COURT. THE MAIL OFFICE PERSONEL ALSO INFORMED ME THAT "YOU HAVE NO RECORD OF ANY COURTS, BOG, WARDEN, CERTIFIED GOING OUT?"

21). I WAS AGAIN SUBJECTED TO HARASSMENT BY THE DEFENDANT C. SPEAKER ON 8-25-06, 8-26-06 AND 8-29-06

22) ON 8-31-06 I WAS HARASSED BY THE DEFENDANT J. PETERSON CAME TO MY CELL A2-128 WITH A PROPERTY INVENTORY SLIP. AND TOLD ME I HAD TO MAIL SOME PROPERTY HOME I TOLD HIM TO SEND MY PROPERTY TO THE ASU PROPERTY OFFICER C/O TURNER AND I WILL DEAL WITH HIM. HE STATED NO AND THAT HE HAD A BOX AND TRUST WITHDRAWAL FORM READY FOR ME TO SIGN. WHEN I ASKED HIM TO GET AWAY FROM MY DOOR HE BECAME AGITATED AND MENTION THE FACT THAT I FILED A FORMAL COMPLAINT AGAINST HIM, AND SAID THAT I KNOW WHATS GOING TO HAPPEN BECAUSE I KNOW HOW IT GOES. I TOOK THIS AS A THREAT AGAINST MY PERSON SO I TURNED OFF MY CELL LIGHT AND TOLD HIM TO GET THE FUCK AWAY FROM ME.

23). ON 9-14-06 THE DEFENDANT J. McBRIDE CAME TO MY CELL A2-128, AND ASKED ME IF I WAS ALRIGHT I TOLD HIM THAT I WAS DISAPPOINTED IN HIM BECAUSE HE COULD HAVE STOPPED THEM FROM BEATING ME. HE SAID "WHAT COULD I DO A SERGEANT (TOMPSON) LIEUTENANT (CHRIST) AND A CAPTAIN (KELLY) WAS RIGHT THERE." I TOLD HIM WHAT HAPPEND ABOUT ME GETTING MY ADDRESS BOOK AND BEING BEATTEN FOR IT. HE SAID "YEAH I KNOW THATS WHAT THEY TOLD US, WE GOT CALLED IN AND CHEWED OUT." I ASKED HIM WHY HE DIDNT TAKE PHOTOS OF MY INJURIES HE SAID HE WAS TOLD THAT I DIDNT HAVE ANY INJURIES.

24). ON 4-25-07 I WAS OUT OF MY CELL C11-108 FOR AN INTERVIEW WITH MR. DOUGLAS WHO IS A LICENSE CASE SOCIAL WORKER (LCSW). I THEN SEEN C/O COSIAC THE CORRECTIONAL OFFICER WHO FAILED TO SEND MY LEGAL MAIL OUT ON 8-16-06. I ASKED HIM WHY HE DID NOT SEND OUT MY LEGAL MAIL AND INFORMED HIM OF THE COMPSTER 119-QUERY PROCEEDURE IN THE MAIL ROOM. HE THEN TOLD ME IN FRONT MR. DOUGLAS; THAT AFTER TAKING MY LEGAL MAIL "HE TOOK IT TO SERGEANT WRIGHT, WHO THEN BROKE THE SEAL OPENED, IT, AND READ ITS CONTENTS AND THEN THREW IT AWAY." I COULDN'T BELIEVE HE WAS ACTUALLY TELLING ME THE TRUTH. I SAID TO MR. DOUGLAS "DO YOU HEAR THIS" HE SAID "YEAH" I TOLD MR. DOUGLAS TO WRITE IT DOWN IN HIS NOTEBOOK BECAUSE I MAY BE CALLING HIM AS A WITNESS TO THE FACT THAT THIS OFFICER ADMITTED THAT SERGEANT WRIGHT OBSTRUCTED MY ACCESS TO THE COURTS, BUT DESTROYED MY MAIL TO COVER UP THIS ASSAULT ON ME.

25) THESE DEFENDANT WERE ACTING UNDER COLOR OF STATE LAW AND ARE SUED IN THERE OFFICIAL CAPACITY FOR THAT REASON. THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION IS SUED IN IT'S OFFICIAL COPACITY FOR THE MISCONDUCT OF ITS AGENTS AND LIABLE TO BEAR THE COST OF THAT MISCONDUCT, FOR ALLOWING AN UNSPOKEN RULE OF ASSUALTIVE BEHAVIOUR TO CONTINUE TO EXISTS AMONGING ITS OFFICERS AT PBSP.

RELIEF

THE PLAINTIFF REQUEST THE FOLLOWING

1). BECAUSE THE PLAINTIFF FEARS REPRISALS FROM THE DEFENDANTS J. PETERSON AND C. SPEAKER, AND MORE SPECIFICALLY FEARS FOR HIS LIFE AND OR MORE BODILY HARM. PLAINTIFF REQUEST A ~~RESTRAINING~~ ORDER THAT WILL KEEP THESE TWO DEFENDANTS 5000 FEET AWAY FROM THE PLAINTIFF.

2). THE PLAINTIFF REQUEST ACTUAL DAMAGES FOR PAIN AND SUFFERING IN THE AMOUNT OF \$1 MILLION DOLLAR'S.

3). THE PLAINTIFF REQUEST PUNITIVE DAMAGES FOR THE RECKLESS DISREGARD OF HIS CONSTITUTIONAL RIGHTS IN THE AMOUNT OF \$1 MILLION DOLLAR'S.

4). THE PLAINTIFF REQUEST SPECIAL DAMAGES FOR COVERING UP THERE UNCONSTITUTIONAL ACTIONS IN THE AMOUNT OF \$1 MILLION DOLLAR'S.

5). THE PLAINTIFF REQUEST THAT HE BE AWARDED A TOTLE AMOUNT OF \$3 MILLION DOLLAR'S.

6) THE PLAINTIFF REQUEST A JURY TRIAL ON ALL ISSUES TRYABLE BY JURY.

7). THE PLAINTIFF REQUEST ATTORNEY FEES AND COURT COST.

8). THE PLAINTIFF REQUEST DECLARATORY JUDGMENT.

9). THE PLAINTIFF REQUEST ALL RELIEF THAT IS JUST PROPER AND CIVILY REMEDIABLE.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FORGOING IS TRUE AND CORRECT.

5-19-07

DATED



CURTIS LEE HENDERSON SR

PROOF OF SERVICE BY MAIL

(C.C.P. Sec. 101a #2015-5; 28 U.S.C. Sec. 1746)

I, CURTIS LEE HENDERSON SR, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over the age of eighteen (18) years and am a party to the above-entitled action.

My State Prison address is: Post Office Box 7500, Crescent City, California, 95531.

On the _____ day of _____, _____, I served the following (set forth the exact title of document(s) served):

COMPLAINT UNDER THE CIVIL RIGHTS ACT 42 U.S.C.
§ 1983

on the party(s) herein by placing a true copy(s) thereof, enclosed in a sealed envelope(s), with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, California, 95531, addressed as follows:

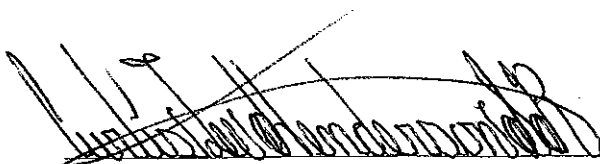
OFFICE OF THE CLERK U.S.
DISTRICT COURT NORTHERN
DISTRICT OF CALIFORNIA
1301 CLAY ST SUITE 400S
OAKLAND CA 94612-5212

There is delivery service by United States mail to the place so addressed and/or there is regular

communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24 day of MAY 2007.



Declarant/Prisoner signature

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CURTIS LEE HENDERSON SR

(b) County of Residence of First Listed Plaintiff CRESCENT CITY, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

PROPRIA PERSONA

DEFENDANTS

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION et al
County of Residence of First Listed Defendant SACRAMENTO, CA
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

INFILCTION OF CORPORAL PUNISHMENT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

3 MILLION

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

SAUNDRA B. ARMSTRONG

DOCKET NUMBER

C 06-05541 SBA/PE

DATE

5-19-07

SIGNATURE OF ATTORNEY OF RECORD

PROPRIA PERSONA

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

LEGAL MAIL

SERVICE

MAY 29 2007

PELICAN BAY STATE PRISON
P.O. BOX 7500
CRESCENT CITY, CA 95532

CDC NO: H-43488 HOUSING: A1-210

NAME: CURTIS LEE HENDERSON SR.